

Order

Michigan Supreme Court
Lansing, Michigan

December 3, 2010

Marilyn Kelly,
Chief Justice

140956

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

HERITAGE IN THE HILLS HOMEOWNERS
ASSOCIATION,
Plaintiff-Appellant,

and

ROBERT J. LUTTERMOSER,
Plaintiff,

v

SC: 140956
COA: 286074
Oakland CC: 06-075239-CZ

HERITAGE OF AUBURN HILLS, L.L.C.,
d/b/a HERITAGE HILLS OF AUBURN
HILLS, L.L.C., SILVERMAN BUILDING
COMPANIES, INC., d/b/a SILVERMAN
COMPANIES, INC., and d/b/a SILVERMAN
and d/b/a SILVERMAN HOMES, TOLL
DEVELOPMENT CO., INC., d/b/a TOLL
BROTHER, INC., and U.S. HOMES
CORPORATION,
Defendants-Appellees,

and

GOJCAJ CONSTRUCTION CORPORATION,
Defendant.

On order of the Court, the application for leave to appeal the February 2, 2010 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, C.J. and HATHAWAY, J., would vacate Part VI of the Court of Appeals opinion concerning the trial court's holdings related to the individual owners and remand this case to the Court of Appeals for plenary consideration of plaintiff Luttermoser's arguments.



d1124

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 3, 2010

Corbin R. Davis

Clerk